IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

OP.No. 6322 of 1999(C)

PETITIONER:

T.C.SUBHRAMANIAN, AGED 36 YEARS,
S/o. CHANDRAN, SECRETARY,
KERALA SAMSTHANA MOTOR THOZHILALI UNION,
VYPIN PARAVOOR ZONAL COMMITTEE.

BY ADV. SRI.C.K.SAJEEV
SMT.T.B.MINI

RESPONDENTS:
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1. **DEPUTY LABOUR COMMISSIONER,**
   OFFICE OF LABOUR COMMISSIONER,
   THIRUVANANTHAPURAM.

2. **THE DISTRICT LABOUR OFFICER,**
   OFFICE OF LABOUR OFFICER, KAKKANAD.

3. **ASSISTANT LABOUR OFFICER, OFFICE OF DLO,**
   ALWAYE.

4. **PRIVATE BUS OPERATORS ASSOCIATION,**
   CHERAI, REPRESENTED BY ITS SECRETARY,
   V.K. MURALEEDHARAN.

5. **PRIVATE BUS CORPORATION, CHRAI,**
   REPRESENTED BY ITS MANAGER,
   K.A.VARGHESE.

6. **PRIVATE TRANSPORT SERVICE, N. PARAVOOR,**
   REPRESENTED BY ITS SECRETARY, K.A.SHAMSUDHIN.

7. **PARAVOOR ROAD TRANSPORT CORPORATION,**
   N.PARAVOOR, REPRESENTED BY ITS MANAGER JULIAN V.A.

R1 TO R3 BY GOVERNMENT PLEADER SMT.M.R.SREELATHA
R5 & R6 BY ADV.SRI.M.V.JOSEPH

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 01/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1: COPY OF KERALA MOTOR TRANSPORT WORKERS PAYMENT OF FAIR WAGES (AMEMDMENT) ACT 1997.

EXT.P2(a): COPY OF THE REPRESENTATION DTD.06.8.98 TO THE 2ND RESPONDENT.

EXT.P2(b): COPY OF THE REPRESENTATION DTD.2.2.99 TO THE 2ND RESPONDENT.

TRUE COPY

P.A.TO JUDGE

S.SIRI JAGAN,J

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O.P.No.6322 of 1999

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Dated this the 1st day of November, 2007

JUDGMENT

The petitioner is stated to be the Secretary of Kerala Samsthana Motor Thozhilali Union (T.U.C.I), Vypin-Paravoor Zonal Committee. He is aggrieved by the non-implementation of the Kerala Motor Transport workers payment of fair wages (Amemdment Act 1997). According to him respondents 4 to 7 are bound to implement the amended Act in respect of the members of the petitioner's union. Therefore, the petitioner seeks the following reliefs:

> "(i) issue a writ of mandamus or any other writ or direction to the respondents to implement Ext.P1 into the employees in Private Buses in Vypin-Paravoor Zone.
>
> (ii) issue a writ of mandamus or any other writ or direction to the third respondent to implement Ext.P1 and to take necessary steps on Ext.P2."

I am of the opinion that if there is any claim for fair wages under the Act either the individual workmen have to approach the labour court under Section 33C (2) of the Industrial Disputes

Act or the union representing the workers should raise a industrial dispute. Without prejudice to such rights this writ petition is dismissed.

S.SIRI JAGAN, JUDGE

dvs